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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Public Notice)	
)	
Common Carrier Bureau Seeks Comment on)	NSD File Nos. L-98-136, L-99-19,
State Utility Commission Requests for Additional)	L-99-21, L-99-27, L-99-33
Delegation of Additional Authority to Implement)	DA 99-928
Telecommunications Numbering Conservation)	
Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

COMMENTS OF THE PERSONAL
COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"),¹ by its attorneys, hereby respectfully submits its comments on the Commission's *Public Notice* in the above-captioned proceeding.² PCIA has consistently supported a strong federal role in supervising a unified, nationwide numbering system that ensures that all carriers are provided with an adequate supply

¹ PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Association, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As an FCC-appointed frequency coordinator for the Industrial/Business Pool frequencies below 512 MHz, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

² Public Notice, *Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Authority to Implement Telecommunications Numbering Conservation Measures*, NSD File Nos. L-98-136, *et al.*, DA 99-1198 (June 22, 1999).

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of telephone numbers. Therefore, PCIA cautions against premature action on the state petitions at issue in this proceeding.³

I. THE COMMISSION MUST NOT INSTITUTE PREMATURE MEASURES IN RESPONSE TO THE STATE PETITIONS THAT LIMIT ITS ABILITY TO MAINTAIN FEDERAL CONTROL OVER A UNIFIED SYSTEM OF NUMBERING ADMINISTRATION

The Commission should not take action at this time that will limit or impede any federal policies based on the pending telephone number optimization proceeding that is fully and comprehensively examining the very issues raised by these state petitions.⁴ While the problems cited in the various state petitions represent real concerns and may warrant an early response, the Commission must ensure its action on any of the proposed number conservation measures does

³ PCIA has already filed comments on the state petitions at issue in this proceeding. See Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on California Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-98-136, DA 99-928 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the People of California for a Waiver to Implement a Technology-Specific or Service-Specific Area Code*, NSD File No. L-99-36, DA 99-929 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Florida Public Service Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-33, DA 99-725 (filed May 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Maine Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-27, DA 99-638 (filed May 3, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-21, DA 99-462 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy's Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-19, DA 99-461 (filed April 5, 1999). These comments add a further point to PCIA's statement of position reflected in the earlier pleadings.

⁴ See Numbering Resource Optimization, CC Docket No. 99-200, *Notice of Proposed Rulemaking*, FCC 99-122 (rel. June 2, 1999) ("*Numbering NPRM*") (addressing comprehensive, nationwide solutions to the problem of telephone number exhaust).

not limit its ability to promulgate nationwide numbering policies. In particular, an unconstrained state-by-state approach will threaten the integrity of the unified nature of the national telecommunications infrastructure, contrary to the intent of Congress when it amended the Communications Act in 1996.

In the 1996 Telecommunications Act, Congress gave the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.”⁵ The Commission noted that Congress acted in this manner in recognition that “ensuring fair and impartial access to numbering resources is a critical component of encouraging a robustly competitive telecommunications market in the United States.”⁶ PCIA has consistently argued that the Commission should exercise this grant of jurisdiction because a national numbering policy is essential to the efficient provision of telecommunications service.⁷ Against this background, the Commission should not take any action on the pending state petitions that

⁵ 47 U.S.C. § 251(e)(1).

⁶ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392, 19508 (1996) (“*Local Competition Second Report and Order*”), vacated in part sub nom. *California v. FCC*, 124 F.3d 934 (8th Cir. 1997), reversed in part sub nom., *AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999).

⁷ See, e.g., Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes*, NSD File No. L-99-17, DA 99-460 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures* NSD File No. L-99-21, DA 99-462 (filed April 5, 1999); Comments of PCIA on Public Notice: *Common Carrier Bureau Seeks Comment On North American Numbering Council Letter Seeking Clarification of the Term ‘Technology Neutral,’* DA 97-2234 (filed Oct. 29, 1997).

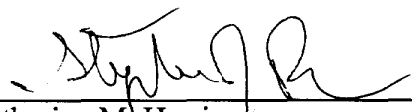
will limit its ability to promulgate nationwide policies that ensure unfettered, fair, and nondiscriminatory access to telephone numbers for all carriers.

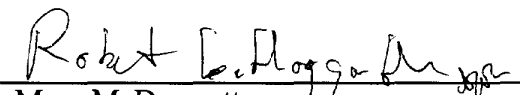
III. CONCLUSION

PCIA respectfully urges the Commission not to take any actions in response to the pending state petitions that will limit the Commission's ability to promulgate pro-competitive, fair, and nondiscriminatory nationwide numbering policies in response to the *Numbering NPRM*.

Respectfully submitted,

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